

# lindsays

OSCR  
2<sup>nd</sup> Floor  
Quadrant House  
9 Riverside Drive  
DUNDEE  
DD1 4NY

Our ref: [REDACTED] 1851/1  
Your ref:  
Direct Dial: 0131 [REDACTED]  
Email: [REDACTED]@lindsays.co.uk

26 May 2014

Dear Sir/Madam

**The Social Bite Fund**  
**Application for Incorporation as a Scottish Charitable Incorporated Organisation (SCIO)**

We enclose Charity Application Form for incorporation as a SCIO, Declaration by Charity Trustees, Business Plan and copy of the Fund's Constitution relative to The Social Bite Fund.

If you have any queries in connection with the Application I would be happy to discuss these and myself and our clients would be happy to meet with you in Edinburgh or Dundee to answer any questions.

Yours sincerely

[REDACTED]

Partner



\*2014-05-28-0073\*



\*2014-05-28-0069\*

## Application for incorporation as a Scottish Charitable Incorporated Organisation (SCIO): application form and guidance notes

### Before you start

#### 1. Introduction

You are applying for the incorporation of a Scottish Charitable Incorporated Organisation (SCIO) under the Charities and Trustee Investment (Scotland) Act 2005 (the 2005 Act).

The 2005 Act sets out certain conditions which you must meet to become a SCIO. The Office of the Scottish Charity Regulator (OSCR) is the regulator and registrar of SCIOs. We will decide whether your organisation fulfils the requirements for becoming a SCIO.

These guidance notes will explain how to get ready to apply and detail the requirements for being a SCIO. The second section will guide you through the application form, step by step.

We use what you put on the form to begin our assessment of your application and it will help us to reach a decision.

#### 2. Preparing to make your application

Before you fill out the application form, we recommend that you read the following OSCR guidance publications.

On becoming a SCIO, and whether this is the right legal form for your organisation:

- SCIOs: A Guide

On the requirements for becoming a charity and how we make our assessment:

- Meeting the Charity Test guidance in full
- The Charity Test (a brief guide)

Please also refer to each relevant section of these publications as you go through the form. You can find these publications and other guidance about becoming a charity on our website at [www.oscr.org.uk](http://www.oscr.org.uk).

#### 3. Assessing if you are eligible to be registered as a SCIO

To become a SCIO you must:

1. Pass the **charity test** as set out at sections 7 and 8 in the 2005 Act.
2. Have a **constitution** which contains the required elements as set out in section 50(3) of the 2005 Act, and in the Scottish Charitable Incorporated Organisation Regulations 2011 (the General Regulations).

3. Have a principal **office in Scotland**.
4. Have at least **two members**. The SCIO's first members are the two or more individuals who apply for the incorporation of the SCIO.

We explain more about the first two conditions below.

### **3a. What is the charity test?**

Our guidance publication, [Meeting the Charity Test](#), explains the charity test in full. In summary, however, to pass the charity test your organisation must meet the following requirements:

- it must have only **charitable purposes**
- its activities must provide **public benefit** in Scotland or elsewhere.

It will fail the charity test if:

- its constitution allows its property to be distributed or applied for **non-charitable purposes**
- its constitution expressly permits **Government Ministers to control its activities**
- it is a **political party** or one of its purposes is to advance a political party.

When we look at whether your organisation provides **public benefit**, we need to consider if:

- there is any **private benefit** from its activities
- there is any **disbenefit** to the public from its activities
- there are any **unduly restrictive conditions** on accessing the benefit your organisation provides.

### **3b. What must a SCIO constitution contain?**

The legislation does not set out a standard format for a SCIO's constitution but it does require each SCIO constitution to contain certain basic information and rules which set out the minimum requirements of how the SCIO will be governed.

A SCIO's constitution must contain:

- its name and the charitable purposes for which the SCIO is established
- membership rules:
  - who is eligible to be a member?
  - how does a person become a member?
- charity trustee rules:
  - who is eligible to be a charity trustee?
  - how are charity trustees appointed? A SCIO must have at least three charity trustees (these are the people who will generally manage and control the charity).
- details of the procedure members and charity trustees must follow to withdraw from membership or their positions as charity trustees, and how they may be removed from the SCIO
- any restrictions on the powers of the SCIO. A SCIO has powers under the 2005 Act to do anything to further its charitable purposes unless the constitution restricts those powers
- the organisational structure of the SCIO
  - for example, are the charity trustees and the members identical (a single-tier structure), or does it have a separate body of members (a two-tier structure)?
- procedures for meetings
  - how will meetings be convened and recorded? This should cover both members' meetings and charity trustees' meetings
  - what is the quorum for any meetings of the SCIO? Again, this covers both members' meetings and charity trustee meetings
  - what voting rights do members and charity trustees have?
  - how will resolutions be passed?
- any restrictions on the remuneration of charity trustees which are additional to the restrictions in section 67 of the 2005 Act, for example, a ban on remuneration being paid to charity trustees. Please see our guidance publication, [Guidance for Charity Trustees](#), for further details on the remuneration of charity trustees
- procedures for dealing with any conflict of interest
- details of how the SCIO will use any surplus assets it has at the time of its dissolution. These assets must be used for charitable purposes which are the same as or which resemble closely the SCIO's own purposes.

# Step-by-step guidance to completing your application form

These notes will take you through the questions in the application form in order. They also explain what information we are looking for and, in some cases, what we will consider when we assess your response.

## Q1. Organisation name

### Q1a. Proposed legal name

Please enter the full name of your organisation as it appears on your constitution.



You should ensure that this name is not an objectionable name, that is, a name which is:

- the **same as, or too like**, the name of a charity. Check the Scottish Charity Register at [www.oscr.org.uk](http://www.oscr.org.uk) to ensure the proposed name is not already taken by another charity
- **likely to mislead** the public as to the true nature of the purposes of the body or of the activities which it carries on, or intends to carry on, in pursuit of those purposes
- likely to give the impression that the body is **connected** in some way to the Scottish Administration, Her Majesty's Government in the United Kingdom, or any local authority, or with any other person, when it is not so connected (the term 'any other person' may mean either an individual or a legal body such as a company)
- **offensive.**

### Q1b. English translation

If the organisation's name is in a language other than English, but can be readily translated, please enter the English translation. This will allow us to more easily assess whether the name is objectionable as described in Q1a above.



### Q1c. Any other name by which the organisation will be known

Please enter any other name by which the organisation will be known. For example, the organisation may wish to operate under an acronym or a shorter 'trading name'.



# Application for incorporation as a Scottish Charitable Incorporated Organisation (SCIO)

Sections 54 to 55 of the Charities and Trustee Investment (Scotland) Act 2005

Some of the information you give in this form will become publicly available on the Scottish Charity Register. These sections are marked below with an asterisk (\*).

## Q1. Organisation name

### Q1a. Proposed legal name\*

The Social Bite Fund

### Q1b. English translation

N/A

### Q1c. Any other name by which the organisation will be known\*

No

## **Q2a. Principal contact details**

Please give us the name of the person who will act as the main point of contact for the organisation. The principal contact will be the person we will communicate with on an ongoing basis if the application to incorporate the SCIO is successful. They should make sure they share all the information they receive from OSCR with all the charity trustees, as all the charity trustees are jointly responsible for managing the SCIO.



You must let us know if there are any changes to the principal contact so that you may be sure the charity will always receive important information from us.

## **Q2b. Principal office address**

Please give us the address of where we can contact your organisation. This must be an address in Scotland, as the 2005 Act requires a SCIO to have its principal office in Scotland. This is the address which will appear on the Scottish Charity Register if the application is successful.



The principal office address can be your organisation's address, the address of a third party acting on your behalf, or any other address which you choose. However, it must be an address at which you will be able to deal with all official letters and notices which you receive from OSCR.

If you use a PO Box number, you must also provide the full physical address and postcode.

## **Q2c. Withholding principal office address from the Scottish Charity Register**

Your organisation has the right under section 3(4) of the 2005 Act to ask us not to publish its principal office address on the publicly available Scottish Charity Register. We can only exclude the principal office details from the Register if we believe that publishing this information is likely to jeopardise the safety or security of any person or premises.



If you consider that the principal office address should not be shown on the Register, please explain why.

## **Q3. Your organisation's website address**

If your organisation has a website, we would like to be able to link to this from its entry in the Scottish Charity Register.



As well as providing more information to any member of the public who views your Register entry, your website can give us useful information on your organisation and the type of activities you are carrying out.

### Q2a. Principal contact details

Title	<input type="text" value=" "/>	First name	<input type="text" value=" "/>
		Last name	<input type="text" value=" "/>
Position in the organisation	<input type="text" value="Trustee"/>		

### Q2b. Principal office address\*

Address*	<input type="text" value="1 St. Colme Street&lt;br/&gt;Edinburgh"/>		
	Postcode*	<input type="text" value="EH3 6AA"/>	
Tel no.	<input type="text"/>	Mobile no.	<input type="text"/>
Fax no.	<input type="text"/>		
Email (we will contact you by email about your application unless you ask us not to)	<input type="text" value=" @capital-events.co.uk"/>		

### Q2c. Withholding the principal office address from the Scottish Charity Register

### Q3. Your organisation's website address\*

<input type="text" value="Not yet available"/>
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#### Q4. Members' names

Please enter the names of two or more individuals who are making the application for the incorporation of the SCIO. If the application is successful, these individuals will become the first members of the SCIO.

A SCIO must always have at least two members who may also be charity trustees.



#### Q5. Charitable purposes

The purposes of your organisation are stated in your constitution; these may be referred to in various ways including purposes, objects or aims.



In completing this part of the form, you should consider the wording of your own purposes and tell us which of the charitable purposes set out in the 2005 Act they most closely relate to (the purposes of the 2005 Act are set out in full below).

There is no need to feel that you have to enter multiple charitable purposes in Question 5 – your organisation only needs to be carrying out one of the charitable purposes to meet the charity test. Please only select the charitable purpose(s) which most closely reflect what your organisation plans to achieve.

The charitable purposes set out in the 2005 Act are as follows:

a	The prevention or relief of poverty.	j	The advancement of human rights, conflict resolution or reconciliation.
b	The advancement of education.	k	The promotion of religious or racial harmony.
c	The advancement of religion.	l	The promotion of equality and diversity.
d	The advancement of health.	m	The advancement of environmental protection or improvement.
e	The saving of lives.	n	The relief of those in need by reason of age, ill-health, disability, financial hardship or other disadvantage.
f	The advancement of citizenship or community development.	o	The advancement of animal welfare.
g	The advancement of the arts, heritage, culture or science.	p	Any other purpose that may reasonably be regarded as analogous to any of the preceding purposes*.
h	The advancement of public participation in sport.		
i	The provision of recreational facilities, or the organisation of recreational activities with the object of improving the conditions of life for the persons for whom the facilities or activities are primarily intended.		

\*If you enter (p) as your charitable purpose you will need to explain what your purpose is, to which of the other charitable purposes from a) to o) it is analogous and how.

#### **Q4. Members' names**

Attached

#### **Q5. Charitable purposes\***

The organisation is established for charitable purposes only, and in particular, the objects are the (1) to relieve poverty in the UK and overseas by giving grants to social business and microfinance institutions. We will only give grants to social businesses and microfinance institutions who focus on tackling global and local poverty. Social businesses and microfinance institutions that will be given grants are defined below, (2) to relieve poverty in the UK and overseas by giving interest free loans to social businesses and microfinance institutions. We will only give grants to social businesses and microfinance institutions who focus on tackling global and local poverty, (3) to relieve poverty, suffering and distress of people who are in a condition of need, hardship or distress by providing, or assisting in the provision of food and accommodation, with the object of improving the conditions of life generally but in particular those who have need of such facilities by virtue of their youth, age, infirmity, disability, handicap, poverty, homelessness, unemployment or social and economic circumstances and to undertake other such activities that would relieve their needs and (4) the advancement of education through the provision of practical training as a route to employment.

## **Q6. Providing benefit to the public**

What you tell us about the activities of the SCIO should demonstrate how it intends to achieve its purposes as stated in its constitution and how it intends to provide public benefit. We need this information in as much detail as possible to establish how people will benefit from what it is you do or plan to do. If you do not give us this information, your application is likely to be delayed while we ask you to gather and provide more details of your activities.

If you have a business plan, or any other document which sets out your planned activities in detail, please send it in support of your application.

### **Q6a. Main activities**

Please tell us about the main activities you intend to carry out in order to further the purposes stated in your constitution.



We understand that your plans may not be finalised at this stage. If that is the case, you should indicate the types of activities your organisation will carry out, giving enough detail to enable us to assess whether it intends to provide public benefit.

### **Q6b. Delivery of activities**

Please tell us how you intend to carry out and deliver the proposed main activities of your organisation. For example, how often and where will the activities be carried out? Will your organisation work alone or in partnership with other organisations?



### **Q6c. Providing benefit to the public**

To pass the charity test, your organisation must demonstrate that its activities provide benefit to the public in furtherance of one or more charitable purposes.



Please explain how the activities your organisation intends to carry out will benefit the public.

### **Q6d. Link between activities and purposes**

Please tell us exactly how the activities you intend to carry out will further the purposes set out in your constitution.



When we make an assessment of whether an applicant intends to provide public benefit, there needs to be link between the benefit, the activities the organisation intends to carry out and its charitable purposes.

## **Q6. Providing benefit to the public**

### **Q6a. Main activities**

Please refer to enclosed Paper Apart

### **Q6b. Delivery of activities**

Please refer to enclosed Paper Apart

### **Q6c. Providing benefit to the public**

Please refer to enclosed Paper Apart

### **Q6d. Link between activities and purposes**

The purposes of the Fund will be achieved through delivery of the activities as set out in Q6a and Q6b.

Continue on a separate sheet if necessary.

## **Q7. Private benefit**

In assessing the public benefit an organisation intends to provide, we must look at how this compares to any benefit received by anyone (including the organisation's members) as a 'private' individual, rather than as a beneficiary of the charity. We refer to this type of benefit as 'private benefit'.

### **Q7a. Payments to individuals (including charity trustees and connected persons)**

Please tell us whether your organisation intends to make payment (other than out-of-pocket expenses) to any organisation or individual for providing services to it, including services provided as an employee. If so, please provide details of these payments. You should also tell us if any person will benefit from your organisation in any other way as a private individual or organisation.



In particular, please tell us whether the organisation intends to make payments to its charity trustees, or any person who is connected to a charity trustee (including any connected business or organisation). By 'charity trustee' we mean a person who is in general control and management of the administration of a charity (often referred to as management committee members, directors or trustees).

The 2005 Act states that a charity trustee (and anyone connected to a charity trustee) can only be remunerated by the charity if particular conditions are met. See section 5 of our [Guidance for Charity Trustees](#).

### **Q7b. Membership benefits**



Please tell us whether your organisation intends to offer any benefits to its members that are not available to the general public and, if so, tell us what those benefits are.

For example, do you intend to offer your members reduced charges for your organisation's services? Can your members access additional services that are not available to the general public?

## **Q7. Private benefit**

### **Q7a. Payments to individuals (including charity trustees and connected persons)**

A team will be employed to do the above, but no trustees will be renumerated.

### **Q7b. Membership benefits**

None

Continue on a separate sheet if necessary.

## Q8. Access to benefit

In assessing whether your organisation intends to provide public benefit, we must look at whether any conditions on accessing this benefit are 'unduly restrictive'. Most organisations that apply for charitable status do not intend to benefit the public as a whole, but rather a section of it. It is acceptable practice for organisations to put in place a limit on who will benefit from their activities but this limit cannot be unduly restrictive. Unduly restrictive conditions are those which are excessively restrictive, unreasonable, not justifiable or which contradict legal or moral standards.

### Q8a. Who can benefit?

Please tell us who can access the benefits you provide. If the services are not open to all members of the public, please tell us what section of the public you intend to benefit.



Please also tell us if a person has to be a member of your organisation to benefit from what it does and, if so, tell us how a person can become a member.

### Q8b. Fees and charges

If there are any fees or charges for the organisation's services, please tell us what these are and if they apply to all services. If they do not, please specify which services are subject to a fee.



If your organisation makes a charge for benefiting from what it does, we will consider the charge to be a restriction on access to the benefit. This is because it restricts access to those who can afford to pay the charge.

Again, we need to decide whether the charge amounts to an undue restriction. This is a complex area and if your organisation does charge for what it does, you should look at our full guidance, [Meeting the Charity Test](#), before completing this question.

### Q8c. Concessions

Please tell us about any concessions you offer to particular groups of people.



## **Q8. Access to benefit**

### **Q8a. Who can benefit?**

Homeless people and recipient charities

### **Q8b. Fees and charges**

None

### **Q8c. Concessions**

N/A

#### **Q8d. Membership fees**

Please tell us if you charge a fee for becoming a member of your organisation and, if so, how much that fee is. Again, please tell us whether you offer concessions to particular groups of people.



#### **Q8e. Physical or practical restrictions**

Please tell us whether there are any physical or practical restrictions to accessing the benefit your organisation will provide.



For example, will your organisation operate limited opening hours, or is there a lack of disabled access to the building where you will carry out your services?

#### **Q8f. Equalities (protected characteristics)**

The Equality Act 2010 (the 2010 Act) aims to ensure that all people are treated fairly. In general terms, it prevents discrimination on the grounds of 'protected characteristics' as follows:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation.

However, part of the 2010 Act allows charities in certain circumstances to limit the group of people they help.

Please tell us whether the benefit your organisation intends to provide will be restricted to people who have any of the protected characteristics listed above and why it will be restricted in this way.



**Q8d. Membership fees**

None

**Q8e. Physical or practical restrictions**

None

**Q8f. Equalities (protected characteristics)**

None

Continue on a separate sheet if necessary.

## **Q9. Activities: how does your organisation operate?**

In support of the information you have already provided about your activities in Question 6, this information summarises the type of activity your organisation undertakes.



You must tick at least one box. We will use this information to help us compile statistics on Scottish charities.

## **Q10. Beneficiary groups: who does your organisation help?**

In support of the information you have already provided about your beneficiaries in Questions 6 and 8, this information summarises the groups within the community that your organisation aims to serve.



Please tick every group that your organisation exists specifically to benefit. If your organisation is set up for the benefit of the general public, rather than for any specific group of people, tick box f.

## **Q11. Geographical spread: where your organisation works**

In support of the information you have already provided about your activities in Question 6, this information summarises the areas in which your organisation operates.



Please tick the box below that best describes how local or wide-spread the work of your organisation is, or best reflects the location of those who receive its grants.

Continue on a separate sheet if necessary.

### **Q9. Activities: how does your organisation operate?\***

- a) It makes grants, donations, loans, gifts or pensions to individuals
- b) It makes grants, donations or gifts to organisations
- c) It carries out activities or services itself

### **Q10. Beneficiary groups: who does your organisation help?\***

- a) Children or young people
- b) Older people
- c) People with disabilities or health problems
- d) People of a particular ethnic or racial origin
- e) Other defined groups
- f) No specific group, or for the benefit of the community
- g) Other charities or voluntary bodies

### **Q11. Geographical spread: where your organisation works?\***

- a) A specific local point, community or neighbourhood
- b) Wider, but within one local authority area
- c) More than one local authority area in Scotland
- d) One or a few bases or facilities servicing people who come from a broad area
- e) Operations cover all or most of Scotland
- f) Scotland and other parts of the UK
- g) UK and overseas
- h) Overseas only

## **Q12. Connected bodies**

Please tell us if your organisation will be part of a larger organisational structure. We will use this information for statistical and monitoring purposes.

### **Q12a. Parent charity name**

Please tell us the name of your parent charity (if applicable); it may be registered as a charity in Scotland or elsewhere.



### **Q12b. Parent charity country of registration**

Please tell us the country in which your parent charity is registered as a charity.



### **Q12c. Parent charity registration number**

Please tell us the charity registration number of your parent charity.



### **Q12d. Other connected bodies**

Please tell us if your organisation has links with or is connected to any other bodies or organisations. If so, please tell us the name and address of those bodies, and provide us with a brief summary of what they do.



## **Q12. Connected bodies**

**Q12a. Parent charity name\***

**Q12b. Country of registration\***

**Q12c. Registration number\***

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**Q12d. Other connected bodies**

Social Bite Limited will operate as a wholly owned subsidiary of the Fund.

### **Q13. Accounting reference date**

The accounting reference date (ARD) is the date on which the financial year of an organisation ends. This date defines the period for which the organisation's accounts must be prepared.



For all new SCIOs, the first accounting reference date is automatically set as the first anniversary of the last day in the month in which the SCIO is incorporated.

For example:

If the SCIO was incorporated on 10 April 2012, its ARD would automatically be set at 30 April and the first accounts would cover a period from 10 April 2012 to 30 April 2013.

Alternatively, you may also choose a different ARD which better suits the way your SCIO intends to operate; this may be done either when you apply or after your SCIO is registered with OSCR.

If you intend to change your ARD after registration, you must tell us your proposed new ARD before you reach your current filing deadline for the Annual Return and accounts. In other words, you may not change your ARD if you are already overdue in filing these documents with OSCR.

Another point to note when considering a new ARD is how it will affect the length of your financial year. The Charities Accounts (Scotland) Regulations 2006 (as amended) do not permit charities in their first accounting period to prepare accounts for a period of less than 6 months. This means that the ARD you select may result in the first set of accounts for the SCIO covering a period of more than 12 months.

For example:

If the SCIO was incorporated on 10 April 2012 and the applicant had a preferred ARD of 30 June, it would not be possible for the first set of accounts to cover the period from 10 April 2012 to 30 June 2012 as this is less than 6 months. The first set of accounts for the SCIO would therefore cover 10 April 2012 to 30 June 2013.

**Q13. Accounting reference date (if applicable)\***

D	D
---	---

M	M
---	---

Y	Y	Y	Y
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## Q14. Signature and data protection statement

### Checklist

Have you:

- completed all the sections of the application form using the guidance notes?
- ensured you have a principal office in Scotland?
- ensured that your application has been made by at least two individuals?
- included trustee declaration forms fully completed and signed by all the proposed charity trustees of your organisation?
- included a copy of your proposed constitution? If this is a model constitution please state from which organisation it was obtained:

- ensured that your constitution includes the required elements as specified in the guidance notes?
- included supporting information about your activities?  
For example, a business plan or a copy of a funding application.

Please send the completed form and all documents to:

OSCR  
2nd Floor  
Quadrant House  
9 Riverside Drive  
Dundee  
DD1 4NY

We will acknowledge your application when we receive it.

## Q14. Signature and data protection statement

### Data protection

OSCR is a registered data controller in terms of the Data Protection Act 1998. Any information you give us will be held securely and in accordance with the rules on data protection. OSCR processes information only in accordance with its statutory regulatory functions under the Charities and Trustee Investment (Scotland) Act 2005, and to inform research into the charity sector in Scotland. Information may be shared with other regulatory bodies including HMRC, and selected information will appear on the Scottish Charity Register. Further information about data protection is available on the OSCR website.

### Declaration

**You may be committing an offence if you give an answer that you know is untrue or misleading.**

I certify that the information entered in this form is correct to the best of my knowledge.

I confirm that the information entered has been approved by the charity trustees and I am authorised to submit this information.

We, the prospective members named at section 4, apply hereby for the constitution of the above named SCIO, and certify that the information given in the attached form is correct to the best of our knowledge.

Signed by one of the  
applicants on behalf of all

Print name

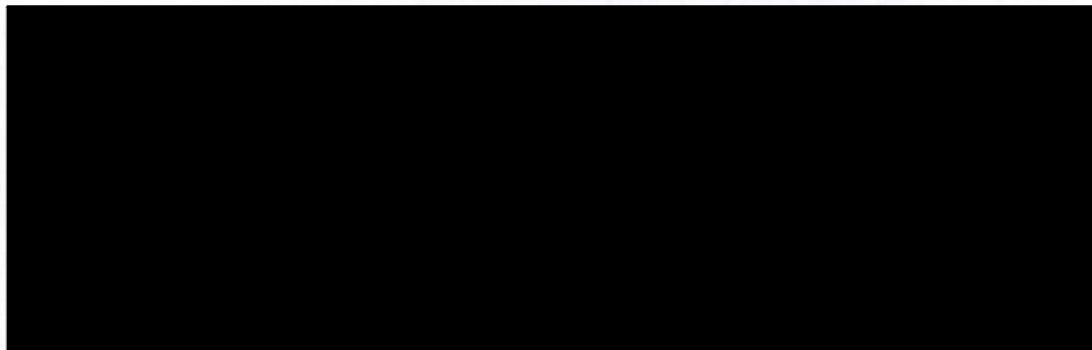
Date

D	D	M	M	Y	Y	Y	Y
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Paper Apart for OSCR Application Form

The Social Bite Fund

Q4



Paper Apart for OSCR Application Form

The Social Bite Fund

Q6a

The Social Bite Fund will have 3 main activities. The first is that it will be a recipient of all dividends from its trading subsidiary Social Bite Ltd. The Fund will distribute these monies to charities decided upon by the trustees. Initially the fund may also invest into its trading subsidiary Social Bite Ltd to build the trading company into a profitable business which will sustainably provide funding for the Fund. The second main activity is that the fund will employ a team of people who will work directly with homeless people in the UK. Initially these homeless people will be linked to Social Bite Ltd, both being staff of the trading company, but also homeless people that come into the shops to get free food. The Social Bite Fund will work with these people to help them: Get ID, Get Bank Accounts, Find Housing, Provide Counselling, Assist with Drug and Alcohol Rehabilitation, and Provide Employment Training and Qualifications. The third activity is that the Social Bite Fund will operate a soup kitchen from the Social Bite Ltd shops every evening, as well as offering free food to homeless people throughout the day, whilst the shops are trading.

Q6b

Funds will be distributed to chosen charities decided upon at monthly Trustee meetings. Funds will be dispersed every quarter. Funds being dispersed relies upon the trading company Social Bite Ltd being profitable.

The Social Bite Fund will provide training on the premises of Social Bite Ltd shops and kitchen. Employees of the charity will provide food safety qualifications. Employees of the charity will also work with homeless people to get them identification and bank accounts. We have links with Royal Bank of Scotland to this. Our team will also work with homeless people directly to find housing. This will be a combination of Short Term Shelter, Social Housing and Private Letting. Our team will work in partnership with other charities to provide counselling and drug and alcohol rehabilitation.

Q6c

The main benefits to the public that will be derived are:

1. Funds being dispersed to charities on a sustainable basis.
2. Massive improvements in the situation of homelessness in UK cities. In the case of those people given training by the Social Bite Fund and employment by Social Bite Ltd - homeless people will be turned from a major social problem to hard working, tax-paying members of society. The personal transformation with those who receive this training as well as all other aspects of support is complete and it has a massive positive impact on their lives. Other people in need can benefit in a lesser way from free food from the Soup Kitchen facilities, as well as the other areas of support aforementioned.

**Q14. Signature and data protection statement****Data protection**

OSCR is a registered data controller in terms of the Data Protection Act 1998. Any information you give us will be held securely and in accordance with the rules on data protection. OSCR processes information only in accordance with its statutory regulatory functions under the Charities and Trustee Investment (Scotland) Act 2005, and to inform research into the charity sector in Scotland. Information may be shared with other regulatory bodies including HMRC, and selected information will appear on the Scottish Charity Register. Further information about data protection is available on the OSCR website.

**Declaration**

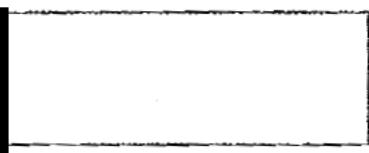
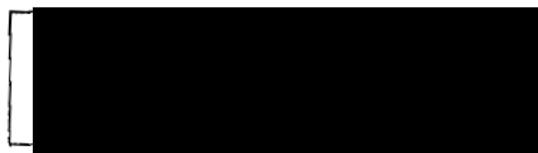
You may be committing an offence if you give an answer that you know is untrue or misleading.

I certify that the information entered in this form is correct to the best of my knowledge.

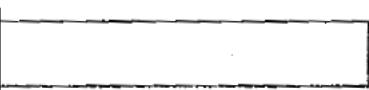
I confirm that the information entered has been approved by the charity trustees and I am authorised to submit this information.

We, the prospective members named at section 4, apply hereby for the constitution of the above named SCIO, and certify that the information given in the attached form is correct to the best of our knowledge.

Signed by one of the  
applicants on behalf of all



Print name



Date

1	6	0	1	2	0	1	6
---	---	---	---	---	---	---	---

**From:** [REDACTED] @lindsay.co.uk"  
**To:** [REDACTED]  
**Subject:** Application for charitable status for The Social Bite Fund  
**Date:** 05 June 2014 09:40:00  
**Attachments:** Question\_14.PDF  
Image001.png

---

Our Ref: IM/QRY/14-3329

Dear [REDACTED]

**Application for charitable status for The Social Bite Fund**

Thank you for your application for charitable status for the organisation named above, which we received on 28 May 2014. However, we will not be able to go ahead with the application until it is completed as follows.

**Application not signed**

The application form has not been signed. I am, therefore, attaching Q14 signature page to be signed by a member stated in Q4. Please return this form within 28 days.

Please address any supporting evidence to me and quote the reference on this letter.

Yours sincerely

[REDACTED]

[REDACTED] | Registration Team Administration Officer | Tel: 01382 [REDACTED] | Fax: 01382 220314 |  
[REDACTED] @oscr.org.uk

**Office of the Scottish Charity Regulator** (OSCR) 2nd Floor, Quadrant House, 9 Riverside Drive, Dundee, DD1 4NY | [www.oscr.org.uk](http://www.oscr.org.uk) |



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## Q14. Signature and data protection statement

### Data protection

OSCR is a registered data controller in terms of the Data Protection Act 1998. Any information you give us will be held securely and in accordance with the rules on data protection. OSCR processes information only in accordance with its statutory regulatory functions under the Charities and Trustee Investment (Scotland) Act 2005, and to inform research into the charity sector in Scotland. Information may be shared with other regulatory bodies including HMRC, and selected information will appear on the Scottish Charity Register. Further information about data protection is available on the OSCR website.

### Declaration

**You may be committing an offence if you give an answer that you know is untrue or misleading.**

I certify that the information entered in this form is correct to the best of my knowledge.

I confirm that the information entered has been approved by the charity trustees and I am authorised to submit this information.

We, the prospective members named at section 4, apply hereby for the constitution of the above named SCIO, and certify that the information given in the attached form is correct to the best of our knowledge.

Signed by one of the  
applicants on behalf of all

Print name

Date

--	--

--	--

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\*2014-05-28-0070\*

## Declaration by Charity Trustees

In this form we ask for the full name (including previous or alternative names), address, occupation, date of birth and signature of every person who will be a charity trustee. We ask for this information so that we can identify the charity trustees and can contact them if necessary.

We ask each of the trustees to sign the declaration. This declaration must accompany your application. Fields marked with an \* must be completed. If any information marked \* is not included we will return the form for completion. This may delay your application.

We will carry out random spot checks of this information against various databases (for example, those of Companies House and the Accountant in Bankruptcy's Register of Insolvencies) to satisfy ourselves that the individuals are not disqualified from acting as charity trustees.

We ask that the prospective charity trustees declare that they are not disqualified from serving as charity trustees. **Anyone who acts as a charity trustee while disqualified is guilty of an offence punishable by imprisonment, or a fine, or both.** Sections 69 and 70 the Charities and Trustee Investment (Scotland) Act 2005 set out the circumstances that would disqualify an individual. In general terms if a person has been convicted of an offence involving dishonesty, or of an offence under the Act, or is an undischarged bankrupt, they may not serve as a charity trustee. Nor may they do so if they have been removed from serving as a charity trustee, or from acting in a management position within a charity, under previous charity law; nor if they have been disqualified from serving as a Company Director. A person is not disqualified if their conviction is spent by virtue of the Rehabilitation of Offenders Act 1974.

If you are uncertain whether or not you are disqualified please ask us. We may, on application from the person disqualified, issue a waiver, which may either lift the disqualification generally, or specifically in relation to a particular charity or type of charity.

We consider it of great importance that charity trustees are made aware of the duties and responsibilities of their position at the outset. Section 66 of the Charities and Trustee Investment (Scotland) Act 2005 sets out the general duties of charity trustees, who must

- act in the interests of the charity, putting its interests before their own interests or those of any other person or organisation
- seek, in good faith, to ensure that the charity operates in a manner that is consistent with its objects or purposes
- act with the care and diligence that is reasonable to expect of a person who is managing the affairs of another person
- ensure that the charity complies with the provisions of the Act.

Any breach of these duties will be treated as misconduct in the administration of the charity.

**Charity Trustee**

<b>Title</b>	<b>*Personal name</b>	<b>*Family name</b>	<b>Suffix</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>*Address Line 1</b> <input type="text"/>			
<b>Address Line 2</b> <input type="text"/>			
<b>Address Line 3</b> <input type="text"/>			
<b>Address Line 4</b> <input type="text"/>			
<b>Address Line 5</b>	<input type="text"/>	<b>*Postcode</b>	<input type="text"/>
<b>*Date of birth</b> <input type="text"/>			
<b>*Signature</b> <input type="text"/>			

**Other names – please list all previous and other current names by which you are or have been known (eg name before marriage)**

**\*Personal name****\*Family name****Occupation**

**Charity Trustee**

<b>Title</b>	<b>*Personal name</b>	<b>*Family name</b>	<b>Suffix</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>*Address Line 1</b>	<input type="text"/>		
<b>Address Line 2</b>	<input type="text"/>		
<b>Address Line 3</b>	<input type="text"/>		
<b>Address Line 4</b>	<input type="text"/>		
<b>Address Line 5</b>	<input type="text"/>	<b>*Postcode</b>	<input type="text"/>
<b>*Date of birth</b>	<input type="text"/>		
<b>*Signature</b>	<input type="text"/>		

**Other names – please list all previous and other current names by which you are or have been known (eg name before marriage)**

<b>*Personal name</b>	<b>*Family name</b>
<input type="text"/>	<input type="text"/>

**Occupation**

### **Charity Trustee**

<b>Title</b>	<b>*Personal name</b>	<b>*Family name</b>	<b>Suffix</b>
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]

**\*Address Line 1** [REDACTED]

**Address Line 2** [REDACTED]

**Address Line 3** [REDACTED]

**Address Line 4** [REDACTED]

**Address Line 5** [REDACTED] **\*Postcode** [REDACTED]

**\*Date of birth** [REDACTED]

**\*Signature** [REDACTED]

**Other names – please list any other names by which you are or have been known (eg name before marriage)**

<b>*Personal name</b>	<b>*Family name</b>
[REDACTED]	[REDACTED]

**Occupation** [REDACTED]

**Charity Trustee**

<b>Title</b>	<b>*Personal name</b>	<b>*Family name</b>	<b>Suffix</b>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
<b>*Address Line 1</b>		<input type="text"/>	
<b>Address Line 2</b>		<input type="text"/>	
<b>Address Line 3</b>		<input type="text"/>	
<b>Address Line 4</b>		<input type="text"/>	
<b>Address Line 5</b>		<b>*Postcode</b>	<input type="text"/>
<b>*Date of birth</b>		<input type="text"/>	
<b>*Signature</b>		<input type="text"/>	

**Other names – please list all previous and other current names by which you are or have been known (eg name before marriage)**

<b>*Personal name</b>	<b>*Family name</b>
<input type="text"/>	<input type="text"/>

**Occupation**

**Charity Trustee**

<b>Title</b>	<b>*Personal name</b>	<b>*Family name</b>	<b>Suffix</b>
[REDACTED]	[REDACTED]	[REDACTED]	[REDACTED]
<b>*Address Line 1</b>	[REDACTED]		
<b>Address Line 2</b>	[REDACTED]		
<b>Address Line 3</b>	[REDACTED]		
<b>Address Line 4</b>	[REDACTED]		
<b>Address Line 5</b>	[REDACTED]	<b>*Postcode</b>	[REDACTED]
<b>*Date of birth</b>	[REDACTED]		
<b>*Signature</b>	[REDACTED]	[REDACTED]	[REDACTED]

**Other names – please list all previous and other current names by which you are or have been known (eg name before marriage)**

<b>*Personal name</b>	<b>*Family name</b>
[REDACTED]	[REDACTED]

**Occupation**

[REDACTED]

**From:** [REDACTED] @lindsay.co.uk"  
**To:** [REDACTED]  
**Subject:** Application for Incorporation as a Scottish Charitable Incorporated Organisation (SCIO) The Social Bite Fund  
**Date:** 07 July 2014 11:42:00  
**Attachments:** image001.png

---

Our Ref: RS/STA/14-0571

Dear [REDACTED]

**Application for Incorporation as a Scottish Charitable Incorporated Organisation (SCIO)  
The Social Bite Fund**

Thank you for completing an application for incorporation as a Scottish Charitable Incorporated Organisation (SCIO). The reference number for this application is RS/STA/14-0571.

Please quote this number in all future communications.

We deal with fully completed applications in the order we receive them. In straightforward cases we aim to make a decision on your application within **90 days** of receiving an application. If the case is complex, or if we need to come back to you for clarification several times, the process may take longer.

This application will be dealt with by:

- Case Officer: [REDACTED]
- Email: [REDACTED] @oscr.org.uk
- Direct dial: 01382 [REDACTED]

Please note that it is unlikely that a case officer will contact you within the first 28 days after receiving your application.

Yours sincerely

[REDACTED]

[REDACTED] | Registration Team Administration Officer | Tel: 01382 220446 | Fax: 01382 220314 |  
[REDACTED] @oscr.org.uk

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F.A.O. [REDACTED]  
OSCR  
2<sup>nd</sup> Floor  
Quadrant House  
9 Riverside Drive  
DUNDEE  
DD1 4NY

Our ref: [REDACTED] 1851/1  
Your ref:  
Direct Dial: 0131 [REDACTED]  
Email: [REDACTED]@lindsays.co.uk

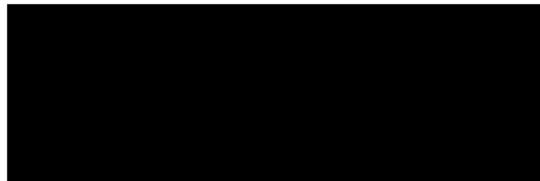
24 June 2014

Dear [REDACTED]

**The Social Bite Fund**  
**Application for Incorporation as a Scottish Charitable Incorporated Organisation (SCIO)**

I refer to the e-mail which I sent you on 17<sup>th</sup> June attaching Q4 signature page for the above charity. I now enclose the principal signed page.

Yours sincerely



Partner



\*2014-06-25-0045\*

## Q14. Signature and data protection statement

### Data protection

OSCR is a registered data controller in terms of the Data Protection Act 1998. Any information you give us will be held securely and in accordance with the rules on data protection. OSCR processes information only in accordance with its statutory regulatory functions under the Charities and Trustee Investment (Scotland) Act 2005, and to inform research into the charity sector in Scotland. Information may be shared with other regulatory bodies including HMRC, and selected information will appear on the Scottish Charity Register. Further information about data protection is available on the OSCR website.

### Declaration

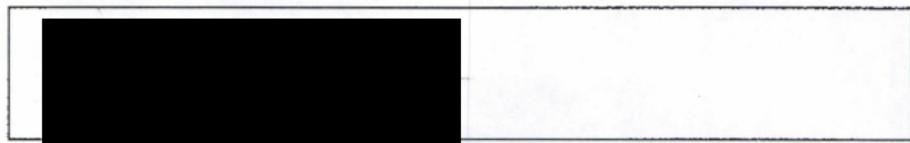
You may be committing an offence if you give an answer that you know is untrue or misleading.

I certify that the information entered in this form is correct to the best of my knowledge.

I confirm that the information entered has been approved by the charity trustees and I am authorised to submit this information.

We, the prospective members named at section 4, apply hereby for the constitution of the above named SCIO, and certify that the information given in the attached form is correct to the best of our knowledge.

Signed by one of the  
applicants on behalf of all

A large rectangular area of the document has been completely blacked out, likely representing a handwritten signature.

Print name

A horizontal rectangular area of the document has been completely blacked out, likely representing a handwritten print name.

Date

1	6	0	6	2	0	1	4
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**From:** [REDACTED] [\[REDACTED\]@lindsay.co.uk](mailto:[REDACTED]@lindsay.co.uk)  
**Subject:** Application for Charitable Status for the Social Bite Fund  
**Date:** 28 July 2014 15:49:00  
**Attachments:** [image001.png](#)  
[The Social Bite Fund - SCIO 11 - Request for further info issued by case officer at Subs Response - 18 July 2014 15 41.pdf](#)

---

Dear [REDACTED],

**The Social Bite Fund RS/STA/14-0571**

Please find enclosed my letter in response to your application for Charitable Status.

Kind Regards

[REDACTED]

[REDACTED] | Registration Team Case Officer | Tel 01382 [REDACTED] | Fax 01382 220314 |  
[\[REDACTED\]@oscr.org.uk](mailto:[REDACTED]@oscr.org.uk)

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---

**From:** [REDACTED] [mailto:[REDACTED]@lindsay.co.uk]  
**Sent:** 17 June 2014 11:24  
**To:** [REDACTED]  
**Subject:** Application for Charitable Status for the Social Bite Fund

Dear [REDACTED]

I refer to your e-mail of 5 June in connection with the above Application. Your reference IM/QRY/14-3329.

I attach Q14 signature page duly signed by a member of the proposed SCIO.

If you have any further questions please let me know,  
 Regards

[REDACTED]  
[REDACTED]  
Partner

*Accredited by the Law Society of Scotland as a Specialist in Charity Law*

Lindsay, Solicitors  
Caledonian Exchange  
19A Canning Street  
Edinburgh EH3 8HE  
(DX ED25)  
(LP-102, Edinburgh 2)

Direct Line : 0131 [REDACTED]  
Direct E-Mail: [REDACTED]@lindsays.co.uk  
Direct Fax : 0131 [REDACTED]

[www.lindsays.co.uk](http://www.lindsays.co.uk)

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**From:** [REDACTED] @lindsay.co.uk"  
**To:** [REDACTED]  
**Subject:** Application for Charitable Status for the Social Bite Fund  
**Date:** 02 September 2014 15:30:00  
**Attachments:** image001.png

---

Dear [REDACTED],

Your ref – [REDACTED]/1851/1

**Social Bite Fund RS/STA/14-0571**

I refer to your letter dated 04 August 2014 and I apologise for our delay in responding.

We would like to meet the proposed trustees of the Social Bite Fund and yourself and Lindsays Offices in Edinburgh. We would also like to see the Social Bite premises at Shandwick Place if possible.

It is likely to be myself and my colleagues [REDACTED] and [REDACTED] attending. Having looked at all our calendars the most suitable date would be Tuesday 23<sup>rd</sup> Sept or Monday 29<sup>th</sup> September . If these dates are not suitable with you or your clients can you suggest alternatives.

Kind Regards

[REDACTED]

[REDACTED] | Registration Team Case Officer | Tel 01382 [REDACTED] | Fax 01382 220314 |  
[REDACTED] @oscr.org.uk

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---

**From:** [REDACTED]

**Sent:** 28 July 2014 15:49  
**To:** [REDACTED] @lindsays.co.uk'  
**Subject:** Application for Charitable Status for the Social Bite Fund

Dear [REDACTED]

**The Social Bite Fund RS/STA/14-0571**

Please find enclosed my letter in response to your application for Charitable Status.

Kind Regards

[REDACTED]

[REDACTED] | Registration Team Case Officer | Tel 01382 [REDACTED] | Fax 01382 220314 |  
[REDACTED] [@oscr.org.uk](mailto:@oscr.org.uk)

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---

**From:** [REDACTED] [mailto:[REDACTED]@lindsays.co.uk]  
**Sent:** 17 June 2014 11:24  
**To:** [REDACTED]  
**Subject:** Application for Charitable Status for the Social Bite Fund

Dear [REDACTED]

I refer to your e-mail of 5 June in connection with the above Application. Your reference IM/QRY/14-3329.

I attach Q14 signature page duly signed by a member of the proposed SCIO.

If you have any further questions please let me know,  
Regards

[REDACTED]  
Partner

[REDACTED]  
Accredited by the Law Society of Scotland as a Specialist in Charity Law

Lindsays, Solicitors  
Caledonian Exchange  
19A Canning Street  
Edinburgh EH3 8HE  
(DX ED25)  
(LP-102, Edinburgh 2)

Direct Line : 0131 [REDACTED]  
Direct E-Mail: [REDACTED]@lindsay.co.uk  
Direct Fax : 0131 [REDACTED]

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---

**From:** [REDACTED]  
**To:** [REDACTED] [\[REDACTED\]@lindsay.co.uk](mailto:[REDACTED]@lindsay.co.uk)"  
**Subject:** Application for Charitable Status for the Social Bite Fund  
**Date:** 19 September 2014 13:49:00  
**Attachments:** [image001.png](#)  
[image002.png](#)

---

Your ref – [REDACTED] 1851/1

**Social Bite Fund RS/STA/14-0571**

I can confirm that [REDACTED] and [REDACTED] will be also be attending the meeting. Can you confirm which of the proposed Charity Trustees will be at the meeting?

Regards

[REDACTED]  
[REDACTED] | Registration Team Case Officer | Tel 01382 [REDACTED] | Fax 01382 220314 |  
[REDACTED] [\[REDACTED\]@oscr.org.uk](mailto:[REDACTED]@oscr.org.uk)

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---

**From:** [REDACTED] [mailto:[REDACTED]@lindsay.co.uk]  
**Sent:** 19 September 2014 12:30  
**To:** [REDACTED]  
**Subject:** FW: Application for Charitable Status for the Social Bite Fund

[REDACTED]  
The trustees of the Social Bite Fund look forward to meeting with you and your colleagues next Tuesday.

Regards

**From:** [REDACTED]  
**Sent:** 04 September 2014 08:17  
**To:** [REDACTED]@oscr.org.uk  
**Subject:** Application for Charitable Status for the Social Bite Fund

[REDACTED]  
Can I suggest you come to Lindsays for a 10 00 meeting on Tuesday 23 September with myself and the Trustees and after that meeting we can visit the Social Bite premises which are close by.

Regards

[REDACTED]  
Partner

*Accredited by the Law Society of Scotland as a Specialist in Charity Law*

Lindsays, Solicitors  
Caledonian Exchange  
19A Canning Street  
Edinburgh EH3 8HE  
(DX ED25)  
(LP-102, Edinburgh 2)

Direct Line : 0131 [REDACTED]  
Direct E-Mail: [REDACTED]@lindsay.co.uk  
Direct Fax : 0131 [REDACTED]

[www.lindsay.co.uk](http://www.lindsay.co.uk)



---

**From:** [REDACTED]@oscr.org.uk [mailto:[REDACTED]@oscr.org.uk]  
**Sent:** 02 September 2014 15:31  
**To:** [REDACTED]  
**Subject:** Application for Charitable Status for the Social Bite Fund

Dear [REDACTED]

Your ref - [REDACTED]/1851/1

**Social Bite Fund RS/STA/14-0571**

I refer to your letter dated 04 August 2014 and I apologise for our delay in responding.

We would like to meet the proposed trustees of the Social Bite Fund and yourself and Lindsays Offices in Edinburgh. We would also like to see the Social Bite premises at Shandwick Place if possible.

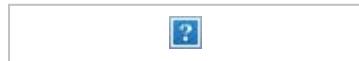
It is likely to be myself and my colleagues [REDACTED] and [REDACTED] attending. Having looked at all our calendars the most suitable date would be Tuesday 23<sup>rd</sup> Sept or Monday 29<sup>th</sup> September . If these dates are not suitable with you or your clients can you suggest alternatives.

Kind Regards

[REDACTED]

[REDACTED] | Registration Team Case Officer | Tel 01382 [REDACTED] | Fax 01382 220314 |  
[REDACTED] [@oscr.org.uk](mailto:@oscr.org.uk)

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---

**From:** [REDACTED]  
**Sent:** 28 July 2014 15:49  
**To:** [REDACTED] @lindsay.co.uk'  
**Subject:** Application for Charitable Status for the Social Bite Fund

Dear [REDACTED]

**The Social Bite Fund RS/STA/14-0571**

Please find enclosed my letter in response to your application for Charitable Status.

Kind Regards

[REDACTED]

[REDACTED] | Registration Team Case Officer | Tel 01382 [REDACTED] | Fax 01382 220314 |  
[REDACTED] [\[REDACTED\]@oscr.org.uk](mailto:[REDACTED]@oscr.org.uk)

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---

**From:** [REDACTED] [mailto:[REDACTED]@lindsay.co.uk]  
**Sent:** 17 June 2014 11:24  
**To:** [REDACTED]  
**Subject:** Application for Charitable Status for the Social Bite Fund

Dear [REDACTED]

I refer to your e-mail of 5 June in connection with the above Application. Your reference IM/QRY/14-3329.

I attach Q14 signature page duly signed by a member of the proposed SCIO.

If you have any further questions please let me know,  
Regards

[REDACTED]  
Partner

*Accredited by the Law Society of Scotland as a Specialist in Charity Law*

Lindsay, Solicitors  
Caledonian Exchange  
19A Canning Street  
Edinburgh EH3 8HE  
(DX ED25)  
(LP-102, Edinburgh 2)

Direct Line : 0131 [REDACTED]  
Direct E-Mail: [\[REDACTED\]@lindsay.co.uk](mailto:[REDACTED]@lindsay.co.uk)  
Direct Fax : 0131 [REDACTED]

[www.lindsay.co.uk](http://www.lindsay.co.uk)

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Lindsay's head office is at Caledonian Exchange, 19A Canning Street, Edinburgh, EH3 8HE. Offices in Edinburgh, Glasgow, Dundee, Jedburgh and North Berwick. A list of Partners is available for inspection at our offices. For further information visit our website [www.lindsay.co.uk](http://www.lindsay.co.uk).

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**From:** [REDACTED] @lindsay.co.uk"  
**To:** [REDACTED]  
**Subject:** The Social Bite Fund RS/STA/14-0571  
**Date:** 26 September 2014 15:06:00  
**Attachments:** [image001.png](#)  
[Social Bite Fund Meeting.docx](#)

---

Dear [REDACTED],

The Social Bite Fund RS/STA/14-0571

As per our meeting on Tuesday. Please find enclosed a summary of the points discussed. Should you wish to add in any further points, please amend the document and reply. A copy will be kept in our file.

Our decision on Charitable Status would be based on the following proposed charitable activities of The Social Bite Fund which are:

1. To pay grants to charities from profits passed upwards from the Social Bite shops operated by the trading subsidiary, Social Bite Limited SC424001.
2. To provide free food and drink to people who are (or otherwise in need of free food/drink) and to provide advice and support in relation to homelessness or other related issues. This assistance will be offered in Social Bite Limited's premises in the evening, but not during the daytime hours when the shop is trading.

Can you confirm that our understanding of the proposed charitable activities is correct?

Kind Regards

[REDACTED]

[REDACTED] | Registration Team Case Officer | Tel 01382 [REDACTED] | Fax 01382 220314 |  
[REDACTED] [@oscr.org.uk](mailto:@oscr.org.uk)

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**From:** [REDACTED] @lindsay.co.uk"  
**To:** [REDACTED]  
**Subject:** The Social Bite Fund RS/STA/14-0571  
**Date:** 03 October 2014 12:11:00  
**Attachments:** [image001.png](#)

---

Dear [REDACTED],

The Social Bite Fund RS/STA/14-0571

Apologies, I forgot to request this in my previous email. As per our meeting can you send a copy of the commercial agreement and any leases/sub leases between the Social Bite Limited and the Social Bite Fund. If these have not been finalised can you send Heads of Terms.

We accept that these documents will be draft as the SCIO has not been incorporated yet. We want to ensure that any premises that have been leased in the name of the charity and are subsequently subleased for certain hours i.e. during the day are not being used for non-charitable purposes/activities.

Kind Regards

[REDACTED]

[REDACTED] | Registration Team Case Officer | Tel 01382 [REDACTED] | Fax 01382 220314 | [\[REDACTED\]@oscr.org.uk](mailto:[REDACTED]@oscr.org.uk)

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---

**From:** [REDACTED]  
**Sent:** 26 September 2014 15:06  
**To:** [REDACTED] @lindsay.co.uk'  
**Subject:** The Social Bite Fund RS/STA/14-0571

Dear [REDACTED],

The Social Bite Fund RS/STA/14-0571

As per our meeting on Tuesday. Please find enclosed a summary of the points discussed. Should you wish to add in any further points, please amend the document and reply. A copy will be kept in our file.

Our decision on Charitable Status would be based on the following proposed charitable activities of The Social Bite Fund which are:

1. To pay grants to charities from profits passed upwards from the Social Bite shops operated by the trading subsidiary, Social Bite Limited SC424001.
2. To provide free food and drink to people who are (or otherwise in need of free food/drink) and to provide advice and support in relation to homelessness or other related issues. This assistance will be offered in Social Bite Limited's premises in the evening, but not during the daytime hours when the shop is trading.

Can you confirm that our understanding of the proposed charitable activities is correct?

Kind Regards

[REDACTED]

[REDACTED] | Registration Team Case Officer | Tel 01382 [REDACTED] | Fax 01382 220314 |  
[\[REDACTED\]@oscr.org.uk](mailto:[REDACTED]@oscr.org.uk)

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[REDACTED]

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**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Application for Charitable Status for The SocialBITE Fund  
**Date:** 20 October 2014 12:55:21  
**Attachments:** [OSCR Letter 20 October 2014.doc](#)

---

Dear [REDACTED]

Please find enclosed a letter on behalf of the Trustees following our meeting in Edinburgh last month

We look forward to hearing from you

Best wishes,

[REDACTED]

[REDACTED] The Scottish Social Business and Microfinance Fund

[REDACTED] [@aurigapartnership.com](mailto:@aurigapartnership.com)

[REDACTED]

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**From:** [REDACTED]  
**To:** [REDACTED]  
**Cc:** [REDACTED]  
**Subject:** Re: Application for Charitable Status for The SocialBITE Fund  
**Date:** 29 October 2014 13:55:01

---

[REDACTED] good morning

I would appreciate acknowledgement of our recent letter, and any views towards it meeting your open questions aired at our previous meeting ..

The Trustees are holding their next board meeting in Glasgow on Nov 3 where a number of funding, board hiring and other operational decisions are pending SCIO approval.

I and another Trustee shall also be in Dundee on Monday afternoon meeting a number of potential business sponsors for SocialBITE's entry into Dundee next year. If you feel there is a benefit to meet again please let me know.

Many thanks  
[REDACTED]

On 20 Oct 2014, at 06:55, [REDACTED] [\[REDACTED\]@aurigapartnership.com](mailto:[REDACTED]@aurigapartnership.com) wrote:

Dear [REDACTED]

Please find enclosed a letter on behalf of the Trustees following our meeting in Edinburgh last month

We look forward to hearing from you

Best wishes,  
[REDACTED]

[REDACTED] The Scottish Social Business and Microfinance Fund

[REDACTED] [\[REDACTED\]@aurigapartnership.com](mailto:[REDACTED]@aurigapartnership.com)

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** Re: Application for Charitable Status for The SocialBITE Fund  
**Date:** 29 October 2014 15:36:03

[REDACTED]  
On both points you are correct ..

There will be a clear separation in both the time and team between commercial trading activities and the provision of the food bank type and counselling activities we propose on a daily basis from the SocialBITE stores. 0700-1500 and 1600-2100 respectively is the current intention. Subject to the SCIO decision and board meeting next week we will launch in Q1 2015 and initially pilot this in our Glasgow stores.

We are in advanced discussions with a number of local corporate sponsors as well as The Big Lottery Fund around staffing this service - likely 2 rising to 6 FTEs for 3 years.

Again our sponsors are ready to commit but the SCIO application result is regarded as condition precedent.

I look forward to hearing in due course and fully appreciate your efforts in our case.

Bw [REDACTED]

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FW: Multiple Documents - "Social Bite Accounts to 31-05-13 alias" (zA30146), "Statement of Capital from Companies House alias" (zA30145)  
**Date:** 03 November 2014 13:44:38  
**Attachments:** [Social Bite comments.docx](#)

---

[REDACTED] I've commented on the first point in Laura's paper

-----Original Message-----

From: [REDACTED]  
Sent: 03 November 2014 13:33  
To: [REDACTED]  
Subject: FW: Multiple Documents - "Social Bite Accounts to 31-05-13 alias" (zA30146), "Statement of Capital from Companies House alias" (zA30145)

[REDACTED],

I think I will put this in the file.

[REDACTED]

-----Original Message-----

From: Anderson, Laura  
Sent: 03 November 2014 12:12  
To: [REDACTED]  
Subject: RE: Multiple Documents - "Social Bite Accounts to 31-05-13 alias" (zA30146), "Statement of Capital from Companies House alias" (zA30145)

Hi [REDACTED]

My thoughts are attached - happy to discuss of course if that's helpful.

L

Laura Anderson CA | Head of Enforcement | Tel: 01382 346833 (direct) or 01382 220446 (switchboard) | Fax: 01382 220314 | [laura.anderson@oscr.org.uk](mailto:laura.anderson@oscr.org.uk) |

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-----Original Message-----

From: [REDACTED]  
Sent: 03 November 2014 10:55  
To: Anderson, Laura  
Subject: Multiple Documents - "Social Bite Accounts to 31-05-13 alias" (zA30146), "Statement of Capital from Companies House alias" (zA30145)

[REDACTED] has sent you links to the following 2 documents from Objective:  
"Social Bite Accounts to 31-05-13 alias" (zA30146) "Statement of Capital from Companies House alias"  
(zA30145)

Open in Navigator  
Double click on the attachment

Open in Your Browser  
Social Bite Accounts to 31-05-13  
Latest: <https://fileplan.oscr.org.uk/id:A1015702/document/versions/latest>  
Published: <https://fileplan.oscr.org.uk/id:A1015702/document/versions/published>  
Statement of Capital from Companies House  
Latest: <https://fileplan.oscr.org.uk/id:A960936/document/versions/latest>  
Published: <https://fileplan.oscr.org.uk/id:A960936/document/versions/published>

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** 18 Month Forecast SB Sep 2014 Updated.xls  
**Date:** 06 November 2014 09:58:18  
**Attachments:** [18 Month Forecast SB Sep 2014 Updated.xls](#)  
[ATT00001.txt](#)

---

[REDACTED]  
Attachment now attached!

Cashflow document co-created with Johnson Carmichael and approved by Trustees earlier this week at our Q2 board meeting.

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**From:** [REDACTED]  
**To:** [REDACTED] @aurigapartnership.com"  
**Subject:** Status Award Letter - The Social Bite Fund (SC045232)  
**Date:** 18 November 2014 16:05:00  
**Attachments:** [Being a Charity Trustee Handout.pdf](#)  
[HMRC Leaflet.pdf](#)  
[2014-11-18 Status Award Letter - The Social Bite Fund.pdf](#)  
[image002.png](#)  
[Consents and notifications Cardf.pdf](#)

---

Our Ref: RS/STA/14-0571

Dear [REDACTED],

**The Social Bite Fund SC045232**

Please find attached the Status Award Letter and relevant attachments for The Social Bite Fund (SC045232)

The OSCR Online details will be sent straight [to the charity](#).

As per previous emails. Can you confirm when the current share holding in Social Bite Limited SC424001 has been transferred to the charity. We would also like a signed copy of the lease agreement between Social Bite Limited SC424001 and the Social Bite Fund SC045232 when available for our records.

I also enclose a link to our SCIO guidance. Please refer to pages 26 and 27 for information regarding which documents must refer to your SCIO status.

<http://www.oscr.org.uk/publications-and-guidance/scios-a-guide/>

Kind Regards

[REDACTED]

[REDACTED] | Registration Team Case Officer | Tel 01382 [REDACTED] | Fax 01382 220314 |  
[\[REDACTED\]@oscr.org.uk](mailto:[REDACTED]@oscr.org.uk)

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monthly eNewsletter and email alerts. Subscribe at: [www.oscr.org.uk](http://www.oscr.org.uk)

## BEING A CHARITY IN SCOTLAND – FOR ALL CHARITY TRUSTEES

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**Your organisation is now a Scottish charity and is entered in the Scottish Charity Register by the Office of the Scottish Charity Regulator (OSCR).**

**You should check your entry at our website [www.oscr.org.uk](http://www.oscr.org.uk) and ensure you let us know of any changes, including if you change your email address.**

**You can now update some of your charity's details on the Register yourself using our OSCR Online service, which is quick and easy to use. Go to [www.oscr.org.uk](http://www.oscr.org.uk) to find out more. We will send you your charity's registration details for OSCR Online soon.**

**Being a charity gives your organisation a privileged place in society and carries legal responsibilities. OSCR has compiled a list of key responsibilities that your charity trustees and managers should read carefully. If you require further information, please visit our [website](#).**

1. Being a charity trustee means you are responsible, along with your fellow charity trustees, for running your charity properly. It is important that all charity trustees understand fully what their role means. All charity trustees should read our publication, '[Guidance for charity trustees :acting with care and diligence](#)', which you can download from our website. If you and your fellow charity trustees decide to take on new charity trustees you should have an induction policy in place to ensure that they are aware of their role.
2. It is important that you keep in touch with us to ensure you receive any important communications. It is a legal requirement that you let us know if your principal contact changes.
3. You have a duty to let people know you are a charity and give them certain information. For instance, you must show your charity number on your literature, job advertisements, and on your website. For more information, see '[Publicising your Charitable Status](#)' on our website. You must supply a copy of your accounts and your constitution to anyone who asks for them.
4. You must keep accurate accounting records, including receipts and invoices, and retain these for six years. We will send you an Annual Return form and ask you to confirm certain information every year. This should be completed and submitted, along with your compliant annual accounts and trustees' annual report. We will send you your first Annual Return, and this should be submitted to us within nine months of your financial year end. If you have an

email address your Annual return form will be sent to you electronically. For more information please see our guidance '[Annual Monitoring and Accounting](#)' on our website.

5. You must seek OSCR's consent before making certain changes to your charity, for example changing its name or purposes, or dissolving it. Some other changes must be notified to OSCR once they have been made. Please see the section on '[Making changes to your charity](#)' on our website.
6. You may be eligible for some tax relief but you must apply for this to HM Revenue & Customs. OSCR does not deal with tax matters. Find out more at <http://www.hmrc.gov.uk/charities> or by phoning 0845 02 02 03.
7. As the regulator, we have a legal obligation to monitor your charity and to investigate any complaints received about it. Charities may be asked to take part in our programme of individual reviews of charitable status, where we check whether registered charities are continuing to meet the charity test. If we ask you for information, you must supply it.
8. Your charitable assets must be used for solely charitable purposes even if you dissolve the charity. If you choose to remove your charity from the Scottish Charity Register its charitable assets will still be monitored by OSCR.
9. OSCR's website [www.oscr.org.uk](http://www.oscr.org.uk) contains further information and guidance on charity law and regulation.
10. OSCR cannot give you specific advice on how to run your organisation but there are umbrella groups and many other organisations that are able to give you a wide range of support. See the '[Links](#)' section on our website. You can also sign up to receive our newsletter, OSCR Reporter, which will keep you up to date with new developments. Subscription is free of charge [here](#)

Contact us at:

email: [info@oscr.org.uk](mailto:info@oscr.org.uk)  
web: [www.oscr.org.uk](http://www.oscr.org.uk)

Office of the Scottish Charity Regulator (OSCR)  
2<sup>nd</sup> Floor  
Quadrant House  
9 Riverside Drive  
DUNDEE  
DD1 4NY  
tel: 01382 220446  
fax: 01382 220314



**BEFORE  
YOU  
CHANGE...  
HAVE  
YOU  
CONTACTED  
OSCR?**

# HAVE YOU CONTACTED OSCR?

Charity trustees must **seek prior consent** from OSCR:

- ▶ before changing the name of the charity
- ▶ before amending the objects or purposes of the charity
- ▶ before amalgamating the charity with another body
- ▶ before changing the charity's legal form, including becoming a SCIO
- ▶ before winding-up the charity
- ▶ before applying to the court to change purposes, amalgamate, or wind-up.

**Prior consent must be sought at least 42 days in advance of the proposed change taking effect.**

Charity trustees must **notify OSCR**:

- ▶ as soon as the Principal Contact changes\*
- ▶ when the contact details for the existing Principal Contact change\*
- ▶ when the accounting year end date has changed\*
- ▶ when changes unrelated to purposes are made to the constitution
- ▶ when any change consented to by OSCR is implemented.

**You can amend the items marked \* above by using our OSCR Online service at [www.oscr.org.uk](http://www.oscr.org.uk)**

**OSCR must be notified no later than 3 months after the change has taken effect. You must also notify us no later than one month of the following changes taking effect:**

- ▶ any administration order or an order for winding-up a charity made by the court
- ▶ the appointment of a receiver.

## REMEMBER!

- ▶ Contact OSCR **as soon as** your Principal Contact details change.
- ▶ Make sure that your charity's annual accounts are returned to OSCR with your completed Annual Return **no later than 9 months after the charity's financial year end.**
- ▶ Notifications and Applications for Consent should be made **in writing** (including email) and sent to OSCR.
- ▶ **Application Forms** (for consent) and **Notification Forms** (for notification) can be downloaded from the OSCR website at [www.oscr.org.uk](http://www.oscr.org.uk). Hard copies are also available on request.
- ▶ You **do not** have to notify OSCR every time your charity trustees change **unless** the change is your Principal Contact.

## CONTACT

**OSCR as follows:**

**in writing:**

2nd Floor  
Quadrant House  
9 Riverside Drive  
Dundee DD1 4NY

**e:** [info@oscr.org.uk](mailto:info@oscr.org.uk)

**t:** 01382 220446

**f:** 01382 220314

**Twitter:**

@ScotCharityReg

Use OSCR Online for items above highlighted \*. Visit [www.oscr.org.uk](http://www.oscr.org.uk)

## Gift Aid

Once recognised by HMRC, charities can claim repayment of the basic rate tax already paid on cash gifts made by individual donors.

Each donor must provide the charity with a declaration confirming that they have paid at least as much UK tax as the charity will reclaim.

Every £1 Gift Aid donation is worth an extra 28p to charities. Gift Aid allows charities to claim 25p tax relief for each £1 donated and HMRC will add an extra 3p transitional relief for each £1 donated between 6 April 2008 and 5 April 2011. Find out more on our website.

## VAT

Some exemptions from VAT in respect of business supplies are available.

## Contact details

### Postal address

HMRC Charities  
St John's House  
Liverpool  
L75 1BB

### E-mail contact

[Charities@hmrc.gov.uk](mailto:Charities@hmrc.gov.uk)

### Telephone enquiries

Charities Helpline 08453 02 02 03

## Further information and guidance

### HMRC

[www.hmrc.gov.uk/charities](http://www.hmrc.gov.uk/charities)

### OSCR

[www.oscr.org.uk](http://www.oscr.org.uk)

### Charity Commission

[www.charity-commission.gov.uk](http://www.charity-commission.gov.uk)

### VAT notice 701/1 - Charities

## Charities in Scotland

Simple guidance for bodies applying to become Charities in Scotland

These notes are for guidance only and reflect the position at the time of writing. They do not affect any right of appeal.

Issued by

HM Revenue & Customs

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The text of this leaflet has been agreed with the Office of the Scottish Charity Regulator. OSCR cannot give advice on tax issues and you should contact HMRC or a professional advisor for this.

## What is a charity in Scotland?

A charity in Scotland is a body that is entered in the Scottish Charity Register. To be entered, a body has to meet the 'Charity Test': it has to have only purposes that are charitable according to the Charity and Trustee Investment Act (Scotland) 2005 and it has to provide public benefit.

## What is a charity for tax purposes?

A charity for tax purposes is an organisation that has been set up with purposes that are wholly charitable according to the Charities Act (England and Wales) 2006. It must also meet 3 further conditions in respect of jurisdiction, registration and management. A body that meets all 4 conditions will be approved as a charity for tax purposes.

## Can a body on the Scottish Charity Register be a charity for tax purposes?

Yes.

Scottish and English charity law are very similar and it is possible to satisfy the requirements of both. The time to think about what is right for your organisation is when you are preparing the governing document or rules: if you want your organisation to be entered in the Scottish Charity Register and qualify for tax relief its stated purposes must be those that are common to both laws.

## How does a charity apply for the tax reliefs?

There is a standard application form, ChA1, that all organisations wishing to apply for approval as charities for tax purposes must complete. This is available on the HMRC website at [www.hmrc.gov.uk/charities/cha1.pdf](http://www.hmrc.gov.uk/charities/cha1.pdf).

Before you complete the form you must apply to OSCR for entry onto the Scottish Charity Register and, if registered, you must show the Register number on the form ChA1. An organisation that is accepted onto the Scottish Charity Register usually satisfies the jurisdiction and registration conditions. However if an organisation does not pass the 'charity test' it may still apply to be approved as a charity for tax purposes. The letter received from OSCR refusing registration should be sent with the form ChA1.

## What happens next?

If we (HMRC) can accept you as a charity for tax purposes we will:

- Allocate a tax reference number for use on all correspondence with HMRC Charities
- Write to you to advise you of our decision and your reference number
- Explain how you can find the appropriate claim forms.

HMRC does not automatically issue charities with a tax return every year. However, all charities still have a responsibility to declare any income which is not

exempt and therefore liable to tax. For example, any income not used for wholly charitable purposes may result in a tax charge.

If you are sent a tax return you must complete it even if you believe that no tax is payable. Penalties may be charged for tax returns that are submitted late.

If we (HMRC) cannot accept you as a charity for tax purposes we will:

- Write to you and tell you why
- Arrange for you to be sent an annual tax return.

If you do not agree with our decision you may decide to complete your tax return as if you were a charity. This action will start the appeals process. More details on this are available if you need them.

## UK tax exemptions for charities

Provided that the income or capital gains are applied for charitable purposes only, exemptions from tax are available for income from the following sources:

- Rental income from land or property
- Bank or Building Society interest and other investment income
- Profits from trading activities that achieve the charity's purposes (primary purpose trading)
- Profits from small trading outside the primary purpose of the charity
- Profits from trading activities conducted largely by charity beneficiaries
- Capital gains on shares and other assets.

**From:** [REDACTED]  
**To:** [REDACTED]  
**Subject:** FW: Status Award Letter - The Social Bite Fund (SC045232)  
**Date:** 20 November 2014 15:34:00  
**Attachments:** [Being a Charity Trustee Handout.pdf](#)  
[HMRC Leaflet.pdf](#)  
[2014-11-18 Status Award Letter - The Social Bite Fund.pdf](#)  
[image002.png](#)  
[Consents and notifications Cardf.pdf](#)

---

Dear [REDACTED],

**The Social Bite Fund SC045232**

Please find enclosed a copy of the email sent to [REDACTED] confirming charitable status has been awarded.

<http://www.oscr.org.uk/charities/search-scottish-charity-register/charity-details?number=SC045232#results>

Kind Regards

[REDACTED]

[REDACTED] | Registration Team Case Officer | Tel 01382 [REDACTED] | Fax 01382 220314 |  
[REDACTED]@oscr.org.uk

**Office of the Scottish Charity Regulator** (OSCR) 2nd Floor, Quadrant House, 9 Riverside Drive, Dundee, DD1 4NY [www.oscr.org.uk](http://www.oscr.org.uk) |



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**From:** [REDACTED]  
**Sent:** 18 November 2014 16:05  
**To:** [REDACTED]@aurigapartnership.com'  
**Subject:** Status Award Letter - The Social Bite Fund (SC045232)

Our Ref: RS/STA/14-0571

Dear [REDACTED],

**The Social Bite Fund SC045232**

Please find attached the Status Award Letter and relevant attachments for The Social Bite Fund (SC045232)

The OSCR Online details will be sent straight [to the charity](#).

As per previous emails. Can you confirm when the current share holding in Social Bite Limited SC424001 has been transferred to the charity. We would also like a signed copy of the lease agreement between Social Bite Limited SC424001 and the Social Bite Fund SC045232 when available for our records.

I also enclose a link to our SCIO guidance. Please refer to pages 26 and 27 for information regarding which documents must refer to your SCIO status.

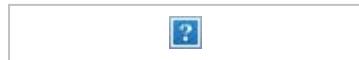
<http://www.oscr.org.uk/publications-and-guidance/scios-a-guide/>

Kind Regards

[REDACTED]

[REDACTED] | Registration Team Case Officer | Tel 01382 [REDACTED] | Fax 01382 220314 |  
[REDACTED] [@oscr.org.uk](mailto:@oscr.org.uk)

**Office of the Scottish Charity Regulator** (OSCR) 2nd Floor, Quadrant House, 9 Riverside Drive, Dundee, DD1 4NY [www.oscr.org.uk](http://www.oscr.org.uk) |



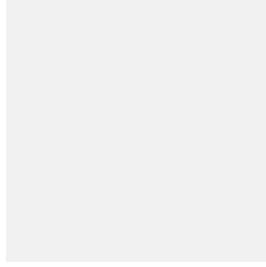
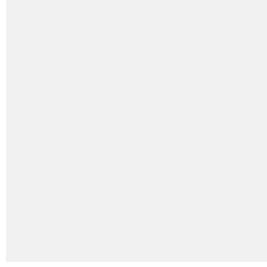
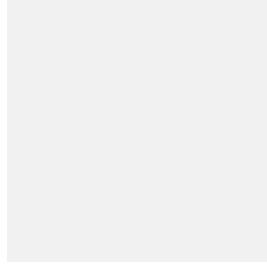
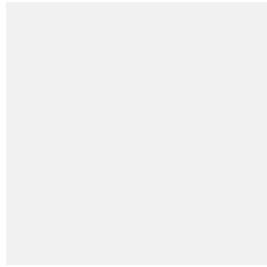
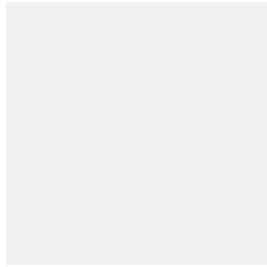
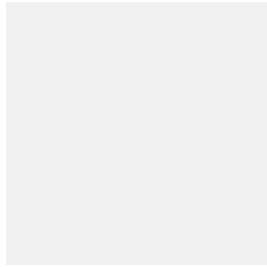
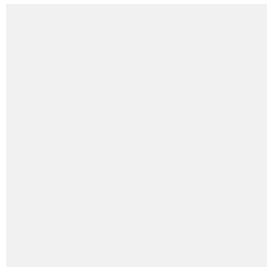
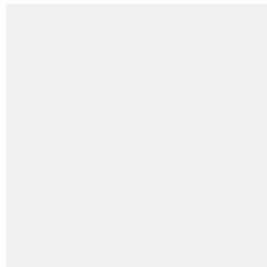
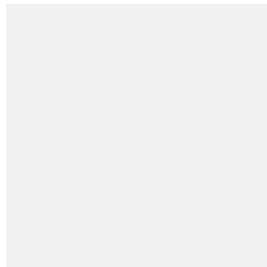
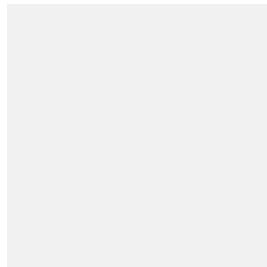
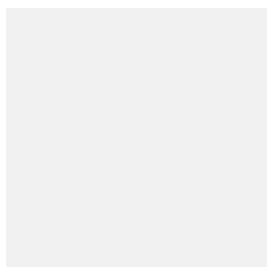
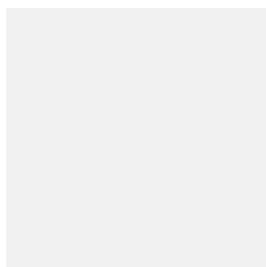
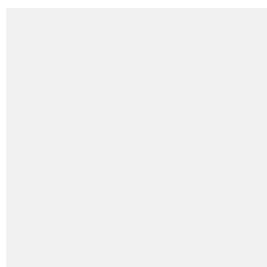
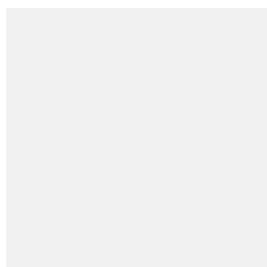
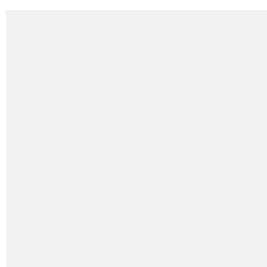
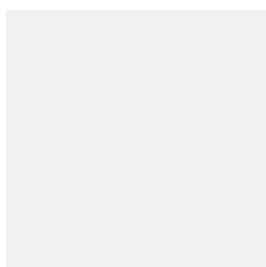
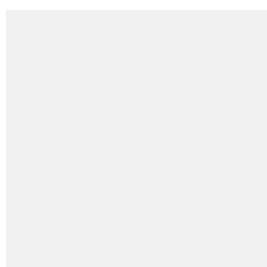
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# Inquiry Policy

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## Inquiry Policy

Charities are independent organisations run by charity trustees. They play an important role in our society, and many of us are involved with them either as charity trustees, as volunteers, through using the services they provide, or as donors. Occasionally, people will have concerns about some aspect of a charity and will need to know where to take their concerns.

This policy sets out how we will respond to concerns about charities. Factsheets supporting this policy and providing more detailed information and guidance can be viewed at [www.oscr.org.uk](http://www.oscr.org.uk)

## The role of the Scottish Charity Regulator

We are the independent registrar and regulator of charities in Scotland. We were established to decide who can be a charity and to keep a Register of charities.

One of our roles is to encourage, facilitate and monitor compliance by charities with the requirements of the Charities and Trustee Investment (Scotland) Act 2005 ('the 2005 Act').

We have a duty to identify and investigate wrongdoing. This policy explains that duty and how we carry it out in practice. This policy explains:

- What we can and cannot deal with
- How we will deal with concerns about charities
- What to expect if your charity is the subject of an inquiry
- How we decide on the outcome.

All of our powers are provided in the 2005 Act.

We act in the interest of the wider public and not on behalf of any individual member of the public or group.

We operate in accordance with our values which include acting independently, fairly and proportionately, and targeting our action where it is needed [Corporate Plan & Values](#).

## What concerns we can and cannot deal with

We can only deal with concerns that relate to charity law. For example:

- A risk of significant damage to a charity, its assets or beneficiaries
- Where charity trustees have breached their duties
- Serious or sustained misconduct by those in management and control of a charity
- Where a charity does not meet the legal requirement to be a charity (the legal requirement includes having charitable purposes and providing public benefit)
- Where a body may be representing itself as being a charity in Scotland when it is not.

We usually cannot deal with the following:

- Matters that do not relate to charity law. For example, contractual employment issues
- Criminal activity. For example, theft or embezzlement – these are matters for the police. However, we do want to know about any actions the charity trustees have taken to address such matters
- Disputes between charity trustees – these should be worked out internally or with professional support. For example, through a mediator
- Overruling a decision taken by the charity trustees that is valid and within their powers to make.



## How we deal with concerns about charities

We will acknowledge your concerns as quickly as possible and certainly within 15 working days, where contact details have been supplied to us.

We assess concerns to establish:

- Whether we have the legal power to act.
- Whether there is risk:
  - to the charity's assets (including reputation) and/or its beneficiaries
  - of charitable status being abused
  - to the charity sector.
- Whether the concern should be dealt with by another regulator, inspectorate or public body
- The level of action required by us as the Regulator of Scottish charities.

We may carry out background inquiries to make sure that any information provided to us is correct and credible. This may include making contact with the charity.

We will not act on unsubstantiated allegations, rumour or opinion. To do so would be unfair to the charity, its activities and beneficiaries. Where we have reasonable grounds to believe there may be criminal activity, we will work with Police Scotland.

We will prioritise our actions to ensure that our resources are used to best effect.

## What to expect if you raise your concerns about a charity with us

We aim to conclude our inquiries as quickly as possible and generally within six months. However, some inquiries may be complex and require input from many sources, or require Court action. Our target is therefore to conclude 75% of cases within nine months.

The charity will not be told who has raised the concern without that person's permission. However, there may be legal circumstances where we have to do so. For example, if we are required to do so by a Court. Additionally, the identity of the person raising the concern may be obvious to the charity because of the type of issues raised.

We will advise you within six to eight weeks if there are regulatory matters that we are taking forward with the charity. It is for us as the Regulator to decide what is in the public interest to pursue; we do not act on behalf of individuals or organisations that bring concerns to us. Also, we do not comment or give updates on inquiries while they are ongoing, as this could prejudice the charity or our work.

When our inquiries are complete, we will write to let you know the outcome in general terms. We will not usually provide you with detailed findings on each and every issue. You will not have a right of appeal under charity law about our decision.

---

## What to expect if your charity is the subject of an inquiry

We aim to encourage charities to comply with charity law and to support them by giving guidance and making recommendations or signposting them to other sources of help. However, we will take regulatory action where we identify a need to do so.

We will generally contact the charity once it has been established that there are grounds to conduct an inquiry. However, there may be exceptional circumstances where this is not appropriate.

Contacting your charity does not imply that we agree with the concerns raised or infer any wrongdoing on the part of the charity. We will explain to you what the concerns are and will ask for information in order to give us a better understanding of how your charity operates generally, and of the particular issues raised with us.

Initially, we will contact your charity's Principal Contact. Where we have been advised that a solicitor has been instructed to act for the charity, we will direct our correspondence to them. However, there may be occasions where we need to contact charity trustees directly, and when this happens we will copy the solicitor acting for your charity into our correspondence.

We will not disclose the identity of those who have raised concerns with us unless we have been given permission to do so or are required to do so by a Court. This is because it is important that concerns about charities can be raised with us in confidence.

In the course of our inquiries we may ask for information from any charity trustee or person connected with your charity. This may include face to face meetings.

We will take all reasonable steps to minimise disruption to the work and reputation of your charity as well as staff, volunteers and trustees, during our inquiries. However, there may be instances when we have to use our [formal powers](#) during an inquiry and this may impact on the day to day running of the charity.

## Providing information to the Regulator

In the course of our inquiries, we may collect information from the person who originally raised the concern, as well as the charity that is the subject of our inquiry and other relevant third parties. It is an offence for anyone to knowingly provide false information to us – to do so may result in a fine or imprisonment on conviction.

Where information is requested from a person to assist us with our inquiries, we expect the request to be dealt with in line with the timescale we set out.

Charity law also provides us with the power to formally obtain any information from any person or organisation which is considered necessary for the purposes of our inquiries. Failure to comply with such a request is an offence and may result in a fine or imprisonment on conviction.

## How we decide on the outcome of an inquiry

In making a decision, we will weigh up all the information we have obtained during our inquiry, and consider any ongoing risk to the charity including its assets and beneficiaries. We consider whether any actions the charity trustees took may have been misguided or deliberate, any corrective action already taken, and the intentions of the charity's trustees going forward. We will decide whether we need to take any action in terms of using our formal powers, or whether it is more appropriate for us to provide support to the charity's trustees in the form of recommendations for improvement which we may follow up.

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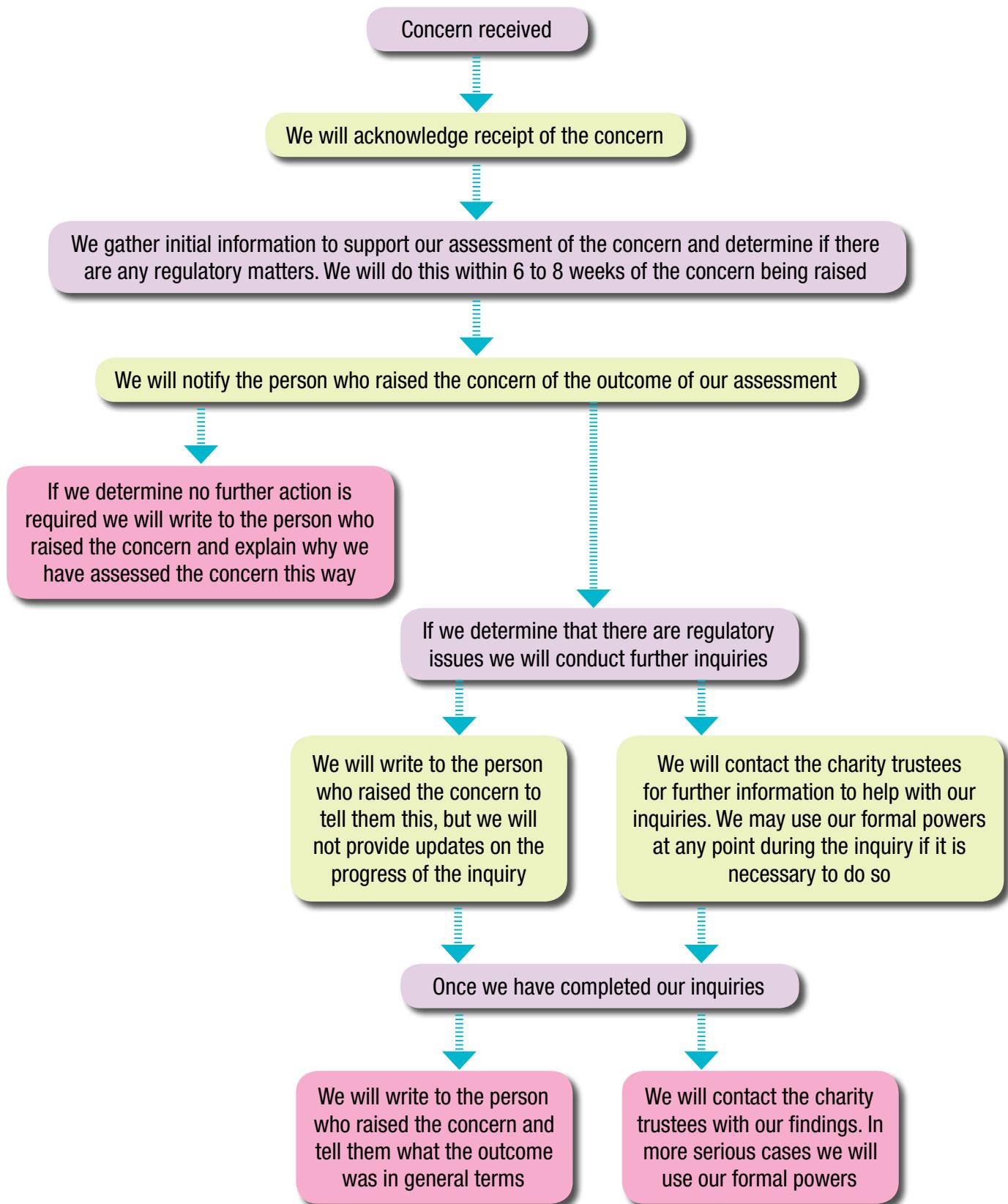
It is never our intention for our inquiry to result in the closure of a charity but in some situations, this may happen for other reasons – for example, if the charity is in financial difficulty.

There may be cases where we decide that it is not proportionate or necessary for us to take a matter forward with a charity. In such cases, we will keep the information on record and may refer to it in future if another concern about the same charity is received.

In some inquiry cases, where we use our formal powers, or where there is a high level of public interest, we will publish an inquiry report on our website explaining what has happened and our actions. Charity law requires us to publish such a report where we use certain formal powers and allows us to publish reports in other situations where we consider it appropriate.

At the conclusion of an inquiry, those who raised the concerns have no right of appeal against our decision. This is because we act in the public interest and not on behalf of individuals or organisations in taking forward concerns. However, where we have used our formal powers, a charity, individual trustee or a body representing itself as a charity has the right of review and ultimately an appeal under charity law.

## How we deal with concerns – follow the flowchart



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Dundee DD1 4NY

P. 01382 220446  
E. [info@oscr.org.uk](mailto:info@oscr.org.uk)  
W. [www.oscr.org.uk](http://www.oscr.org.uk)  
T. @ScotCharityReg

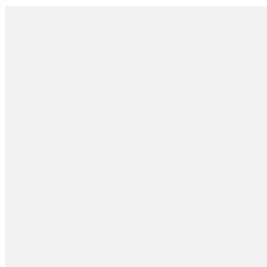
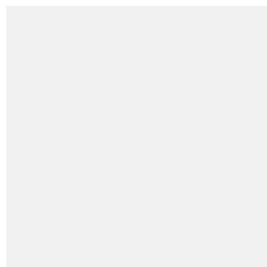
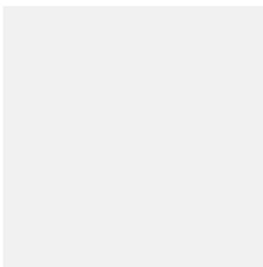
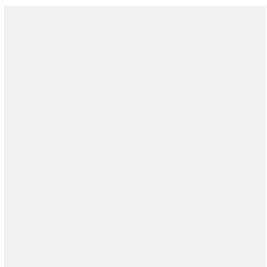
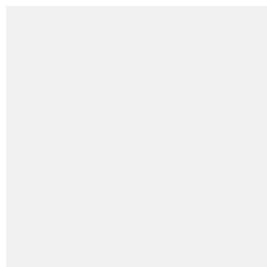
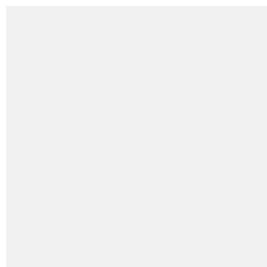
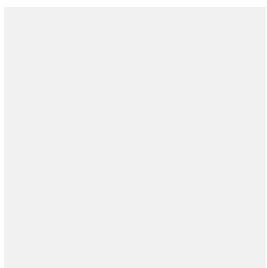
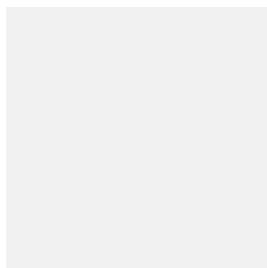
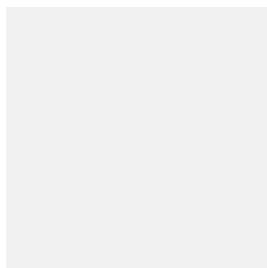
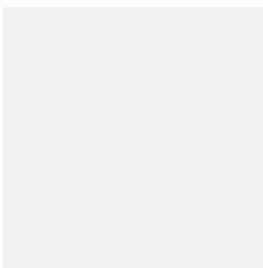
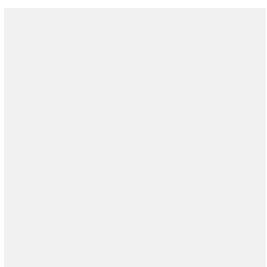
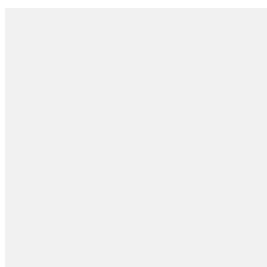
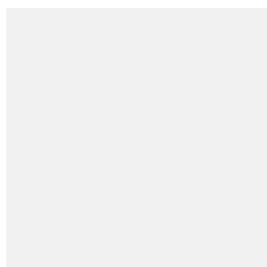
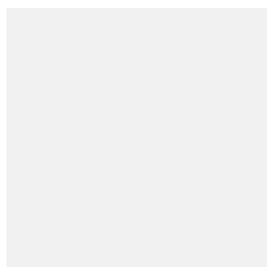
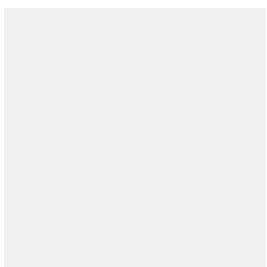
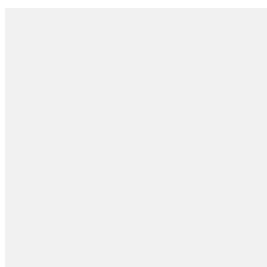
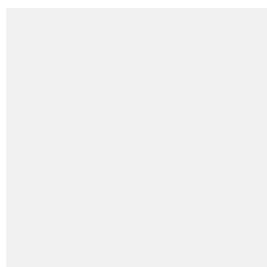
APS Group Scotland 336160 (08/14)



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INVESTOR IN PEOPLE



# I have a concern about a Scottish charity – what should I do?

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If you are concerned about the way a charity is being run, we want to hear from you. But it is important that you read this guide first, as there are some instances where your concern should be sent instead to the charity or another body to be dealt with.

The following are examples of the types of concerns that we do want to know about.

## What we can deal with

Regulatory issues that we want to know about include:

- Charities that are being used for private gain
- Where a charity's independence is being called into question. We expect charity trustees to act independently of any private, government or political interest
- When it is not clear who is in charge of the charity. For example:
  - one charity trustee seems to be in overall control of the charity
  - an employee seems to be in overall control of the charity, or
  - none of the charity trustees is taking responsibility for the charity – this can result in serious governance problems, which could harm the charity

- When it appears that the charity's assets are at risk or are not being used for charitable purposes
- The charity is not carrying out the charitable purposes defined in its governing document
- When an organisation is calling itself a charity when it is not (you can check if the organisation is entered in the [Scottish Charity Register](#)).

The list above is not absolute, so if you have other issues that concern you, please [contact us](#).

The three examples below should, in the first instance, be reported to Police Scotland and then to us:

- Serious harm or danger of harm to the people that the charity helps
- Criminal or illegal activity within or involving a charity (this includes charities that are set up for an illegal or improper use)
- Serious financial loss to a charity – this could include theft or embezzlement.

## What charity trustees should deal with

We have found that the majority of concerns we receive can be dealt with by the charity itself. The charity trustees are the people responsible for running the charity and it is only fair that they have the opportunity to deal with your concern in the first instance. This gives the charity trustees the opportunity to explain any misunderstandings, or to put things right if something has gone wrong.

The types of concerns that you should take up with the trustees include:

- Disputes and disagreements between charity trustees. We expect charity trustees to work together to act in the best interests of the charity to resolve any conflicts or arguments. The charity can seek help from the local [Third Sector Interface](#)
- Disputes between the charity's members and trustees. For example, it may be that the governing document clearly provides members with the power to make changes themselves
- Matters relating to the service that the charity has provided.

Our [Guidance for Charity Trustees](#) provides more information about charity trustee duties.

## What we cannot deal with

Charity trustees are free to make decisions for their charity as long as these are within the powers of the law and the terms of their governing document. As a result, we do not have the power to overrule a valid decision taken by the trustees. If you do not agree with their decision, you should first speak to the trustees about it.

Additionally, we cannot usually become involved in the following issues, as it is not within our regulatory powers to do so:

- Fundraising methods. You should contact [The Fundraising Standards Board](#)
- Employment issues, including:
  - Unfair dismissal
  - Grievances such as discrimination, bullying and harassment
  - Terms of employment
  - Redundancy.
- Contracts that the charity has entered into, including when payment has not been made for outstanding bills.

If you decide that it is still appropriate to report your concerns to us, please complete the [Concern Form](#). We will acknowledge receipt of the form within 15 working days and consider your concerns.

**From:** [REDACTED] [.org.uk"](mailto:[REDACTED].org.uk)  
**To:** The Social Bite Fund , SC045232  
**Subject:** The Social Bite Fund , SC045232  
**Date:** 13 March 2015 12:51:00  
**Attachments:** [2014-12-16 Inquiry Policy.pdf](#)  
[2016-12-16 Inquiry Policy - Have a concern factsheet.pdf](#)  
[image001.jpg](#)

---

**Our Ref: MI/INQ/15-0904**

Dear [REDACTED]

**The Social Bite Fund , SC045232**

I acknowledge receipt of your email which was received on 11 March 2015.

Please find attached a copy of our Inquiry Policy which explains how we deal with the issues that are raised with us.

We will contact you again once we have considered the content of your email.

Yours sincerely

[REDACTED]

[REDACTED] | Compliance & Investigation Team | Tel: 01382 [REDACTED] | [\[REDACTED\]@oscr.org.uk](mailto:[REDACTED]@oscr.org.uk) |

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